

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

HORIZON CHARTER SCHOOL.

OAH Case No. 2014110002

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On November 24, 2014, Student, through his Parents, filed a Due Process Hearing Request (complaint) naming the Horizon Charter School. On March 5, 2015, Student filed a motion to amend the complaint, and submitted an amended complaint with the motion. Horizon indicated on March 5, 2015 that it does not oppose the motion.

APPLICABLE LAW AND DISCUSSION

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

According to Student's motion, Student is amending the complaint in order to include new issues, which have developed since the filing of the initial complaint. Student's unopposed motion to amend the complaint is timely, as due process hearing in this matter is currently scheduled to begin on March 16, 2015. Accordingly, Student's motion amend the complaint is granted.

ORDER

1. Student's motion to amend the complaint is granted. All dates currently set in this matter are vacated.
2. The amended complaint shall be deemed filed on the date of this order, and all applicable timelines are reset as of the date of this order, including the holding of a resolution session.

3. OAH will issue a new scheduling order with new dates.

DATE: March 06, 2015

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings